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10/698,481	11/03/2003	Hideaki Murakami	1163-0479P	3225

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EXAMINER

SY, MARIANO ONG

ART UNIT PAPER NUMBER

3683

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/698,481
Filing Date: November 03, 2003
Appellant(s): MURAKAMI, HIDEAKI

MAILED
JUL 19 2006
GROUP 3600

Attorney D. Richard Anderson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 24, 2006 appealing from the Office action mailed September 30, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6,740,606	Umezawa et al.	5-2004
US 6,269,008	Hsu	7-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 6 and 8-10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Umezawa et al.

Re claims 1, 8-10 and 13 Umezawa et al. teach a cushioning body comprising: a heat radiating elastic member (2) capable of being arranged around an electromagnetic wave generating unit to provide cushioning for protection from physical shock and radiate heat generated by the electromagnetic wave generating unit to; and an electromagnetic wave blocking member (3) arranged in the heat resistant elastic member. (Column 14, Embodiment)

Re claim 5, Umezawa et al. teach wherein the electromagnetic wave blocking member (3) is a metal sheet arranged in the heat resistant elastic member.

Re claim 6, Umezawa et al. teach wherein the metal sheet (3) has a roughened surface.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umezawa et al. in view of Hsu.

Re claims 11, 12 and 14, Umezawa et al. teaches wherein the invention is used for electronic devices. However, Umezawa et al. does not teach wherein the equipment comprises a board. Hsu teaches wherein a container with a shield (100) comprises a board (52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a board in the invention of Umezawa et al. since it is well known to those of ordinary skill in the art that shields are used with boards in order to reduce interference among components

(10) Response to Argument

With respect to page 2 of the Appeal Brief "V. SUMMARY OF THE CLAIMED INVENTION" should be --V. SUMMARY OF THE CLAIMED SUBJECT MATTER--.

With respect to page 3 of the Appeal Brief "VI. THE GROUNDS OF REJECTION" should be --VI. THE GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL--.

A. Issue (1): Claims 1, 5, 6, 8-10, and 13 are not anticipated by Umezawa on pages 3-11 of Appeal Brief.

On page 6, last paragraph of the Appeal Brief, Appellant recited "The Examiner asserts that in embodiment 4, the use of rubber would inherently provide cushioning for protection from physical shock (Final Office Action of Sept. 30, 2005, Page 3, par. No. 5). Appellant respectfully disagrees with the Examiner and submits that this

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interpretation is clearly flawed". Examiner maintains the Response to Arguments was proper. Since rubber is an elastic material, it is old and well known in the art that an elastic material such as rubber is resilient and flexible and are widely used as cushion and shock absorber.

On page 7, first paragraph of the Appeal Brief, Appellant recited "Umezawa is silent with respect to using the thermoplastic resin sheet 12 as a cushioning member. Umezawa discloses that the thickness of resin sheet is merely .2 mm, which is clearly too thin to provide cushioning from physical shock" and on page 7, second paragraph, Appellant recited "As further evidence that Umezawa's electromagnetic shielding, --- in embodiment 5 that during the manufacturing of such sheets --- rubber which is 3 mm thick --- as cushioning material during the laminate sheets' manufacture. (See column 14, lines 53-57.)". Examiner maintains Umezawa teaches in col. 14, Embodiment 4, the use of thermoplastic resin sheet 12, an olefin-type elastomer sheet with .2 mm in thickness; Umezawa also teaches in col. 6, lines 41-42 "The preferable thickness t_1 of the thermoplastic resin 12 is approximately 0.15-6 mm" is the range of thickness disclosed by Umezawa that are used depending upon the type of application. Claim 1, line 3 recited "to provide cushioning for protection from physical shock" and claim 13, line 3 recited "provides cushioning for protection for physical shock" of the instant application are relatively broad and no specifics as to the degree or amount of cushioning needed for protection from shock. With regards to Appellant's argument regarding embodiment 5, col. 14 of Umezawa, Appellant is mixing its argument wherein the cushion material, a 3 mm thick sheet of silicon rubber is used during manufacturing

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of the laminated sheet which has no bearing to the cushioning body of claims 1 and 13 of instant application.

On page 8 of the Appeal Brief, regarding claim 5, Appellant argued that "Umezawa merely discloses a conductive mesh and not a metal sheet" as claimed. Umezawa discloses "As the thermoplastic resin sheet 12, an olefin-type elastomer sheet", see col. 14, lines 5-6. Examiner maintains the rejection is proper, since a mesh consist of a network of wires put together forming as a fabric or sheet.

On page 9 of the Appeal Brief, regarding claim 6, Appellant argued that "there is no disclosure in Umezawa that teaches or suggests a metal sheet having a roughened surface". Since a mesh consist of a network of wires put together forming as a fabric or sheet, the surfaces of mesh formed as a sheet have plurality of holes between network of wires which can be readable as having roughened surface which is a relatively broad phrase with no specifics as to how the roughened surface is formed.

On page 9 of the Appeal Brief, regarding claim 9, Appellant argued that "there is no teaching or suggestion in Umezawa that is directed to the heat radiating elastic member having resistance to heat generated by the electromagnetic wave generating unit". Examiner disagrees since the claim language is relatively broad, a mass such as the heat radiating elastic member of Umezawa is resistant to heat such as heat generated by the electromagnetic wave generating unit, wherein there is no specifics of resistance to heat recited in the claim language.

On page 10 of the Appeal Brief, regarding claim 10, Appellant argued that "Umezawa fails to teach or suggest the heat radiating elastic member isolates the

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electromagnetic wave generating unit from vibrations". Examiner disagrees since it is old and well known that the heat radiating elastic member of Umezawa made of material such as from elastomer sheet are widely used as cushion and will isolate certain degree of vibrations. Claim language is relatively broad and no specifics as to the degree of vibrations.

B. Issue (2): The Umezawa-Hsu Rejection

On page 11 of Appeal Brief, Appellant argued that "the rejection of claims 11, 12, and 14 under 103 rejection as being unpatentable over Umezawa in view of Hsu fails to establish prima facie obviousness". Examiner maintains the rejection is proper.

Umezawa teaches the shielding material 2, 3 for use on any type of electronic device with electrical components, but was silent to disclose wherein the electronic device comprises a board. Hsu teaches a container with having a cover 10 with electrical components 48, 50 inside the container mounted on the board 52 via shielding gasket 28 (cushioning body) to reduce electromagnetic interference among the electrical components. Since it is old and well known that shielding gasket is used on electronic device with a board, it would have been obvious to one of ordinary skill in the art to have utilized a board in the invention of Umezawa in order to shield electromagnetic interference among the electrical components.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

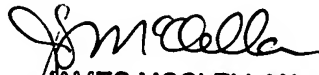
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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


MS M. Sy

July 13, 2006


JAMES MCCLELLAN
SUPERVISORY PATENT EXAMINER
7/14/06

Conferees:

James McClellan (SPE) 

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